

**MUSKIEP OUT.**

**Attorney General Jackson Moves In Two Cent Fare Case.**

**Denies Right of Federal Courts to Interfere.**

**WAIT ON A DECISION.**

**This Question Now Before U. S. Supreme Court.**

**Similar Action to Be Taken in Other Railroad Cases.**

Attorney General F. S. Jackson will today file in the United States circuit court a demurrer on behalf of himself, as attorney general of Kansas, in the 2-cent fare case brought by 13 railroads to enjoin the enforcement of the 2-cent fare order of the state board of railroad commissioners.

Mr. Jackson takes this action on the same ground that the attorney general of Minnesota took when he violated the order of the United States court, and was fined for contempt. It is the question of the right of the federal court to step in and interfere with a state officer. The Minnesota case is soon to be argued in the United States supreme court.

The 2-cent fare suits were filed by the railroads against Geo. W. Kanawell, Chas. A. Ryker, Frank J. Ryan, railroad commissioners, G. F. Gratton, attorney for the board and F. S. Jackson, attorney general. If the demurrer will lie in the case of Mr. Jackson, it will also lie in the case of other defendants, and will force the railroads to take a new tack in their fight. No suit can be maintained in a federal or state court against the sovereign state, and the contention of Mr. Jackson is that a suit against himself, as attorney general, is the same as a suit against the state.

A similar demurrer will be filed in the United States court to the suit brought by the Rock Island railway to enjoin the enforcement of the board's order for the moving of the depot at McFarland.

It is likely that the hearing of this demurrer will be postponed to await the decision of the United States supreme court in the Minnesota case. If that decision says that a state can not be sued through its officers, then the injunction against the 2-cent fare order will collapse.

The following is a portion of Mr. Jackson's demurrer:

"That it appears from said bill of complaint of plaintiff that the bill has no jurisdiction to hear and determine this action as against this defendant.

"That said bill of complaint of plaintiff is wholly without equity as against this defendant.

"That it appears upon the face of the bill of complaint herein, that the complainant has joined this defendant herein solely for the purpose of enjoining him from performing his general duties as attorney general of the state of Kansas, under the constitution of Kansas and the laws made in pursuance thereof.

"That the attorney general of the state of Kansas is the principal constitutional law officer and legal representative of the state of Kansas in all litigation involving the laws, rights and local sovereignty of the state of Kansas, and the attorney general has only the general duty to prosecute and defend all suits brought for or against the state of Kansas and has no other duty, nor has the said attorney general any special duty in relation to the railroad corporations, parties to this suit; and the attorney general of the state of Kansas has no private interest in any litigation involving the laws, rights and local sovereignty of the state of Kansas; and the attorney general is enjoined in any court, state or federal, from prosecuting or defending any action, suit or other proceeding in behalf of the state of Kansas.

"Wherefore, for divers other good causes of demurrer appearing on said bill, this defendant demurs thereto, and he prays the judgment of this honorable court, whether he shall be compelled to make further or any answer to said bill; and he humbly prays to be hence dismissed with his reasonable costs in his behalf sustained."

**CHALK BEESON IS HERE.**  
Came to See Governor Hoch About Emmett Dalton's Pardon.

Chalk Beeson, representative from Ford county, is in Topeka today. He came down to talk to Governor Hoch about issuing Emmett Dalton a pardon. Mr. Dalton's parole expires November 5, and unless he can get a pardon or an extension of the parole, he will have to go back to prison. Governor Hoch has not indicated whether he will grant it, but it is practically certain that some sort of action favorable to Dalton will be taken.

**67 Miles**

**One Million**

**Dollar Reserve Stock of**

**Boots**

**Shoes**

**and**

Rubbers, is what it means. We are only 67 miles from the great wholesale boot and shoe house, Ellet-Kendall Shoe Co., our source of supply. We are selling Ellet-Kendall Brand trade mark guaranteed shoes in sample pairs and regular stock of New styles in the sale now going on at a saving to you of from \$1.00 to \$3.00 on the pair.

\$100.00 in cash premiums for the best written ad. on the Ellet-Kendall Shoes will be paid by the company this month. Contest open to all. Full information here.

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**515 Kansas Ave.**

of action favorable to Dalton will be taken. Either Dalton will be pardoned before the expiration of his parole, or will find a pardon awaiting him when he returns to Lansing. It is possible, too, that Dalton will be required to go back and spend a few weeks in prison just to show that he would not betray the governor's confidence and violate his parole.

**POLLOCK CAN'T HELP.**

**Scores Kansas City Judge But Has No Jurisdiction in Theater Case.**

In holding that he had no jurisdiction in the injunction proceeding against the Kansas City theaters against the authorities of Kansas City and Jackson county, Missouri, sustaining the demurrer to the bill, Judge Pollock in the United States circuit court at Kansas City today condemned in no uncertain terms the attitude of Judge William H. Wallace of Jackson county criminal court in his handling of the Sunday closing of the theaters of Kansas City.

Judge Wallace, who, through the instrumentality of a grand jury, had planned to arrest and indict theatrical managers and actors in wholesale fashion is called a demagogue by Judge Pollock. He refers to him in the following language:

"But is rather the weak drunk with poisoned wine of demagoguery, ambition unattained or fanaticism, who stand ever ready to forsake the truths taught and the safeguards to liberty established by our fathers."

No decision in recent years has been handed down in a federal court that is so severe in its criticism of a judge of a lower court as the decision handed down today.

The decision holding that the United States circuit court had no jurisdiction was expected and the theatrical managers of that city will now have some relief in the state courts if they wish to continue to run their playhouses on Sunday.

The temporary injunction against the city officials which Judge Pollock ordered pending his decision upon the application to make the injunction permanent was in effect until today.

In holding that he had no jurisdiction Judge Pollock said: "I am clearly of the opinion this suit is in effect one against the state to enjoin the prosecution of threatened proceedings against individuals, and about to be instituted in the name of the state by the appropriate law officers of the state charged with the duty of the enforcement of its criminal laws. In such case a court of equity possesses no power, authority or jurisdiction to interfere although as charged in the bill complainants may suffer irreparable injury if they are not properly rights and a multitude of such prosecutions may be instituted and although complainants may have violated no law of the state. In my judgment this court has no authority to declare either their guilt or innocence."

In handing out his "roast" to Judge Wallace, Judge Pollock says in part: "It is pleaded in the verified bill and was asserted in argument, and the assertion remains uncontradicted, that this man, holding an honorable judicial position of one of the highest offices of our country, has so forgotten the dignity of his high office, the duty he owes to the public and the sacred pledge he has made to his God, that he has resorted to the use of a trickster even going to the extent of violating provisions of the law well known of all men, he invading the sacred chambers of a grand jury."

It is claimed that Judge Wallace went into the grand jury room and by his exposition of the case and his harangues caused the members of the grand jury to be prejudiced towards the defendants in the case, and he was compelled to make further or any answer to said bill; and he humbly prays to be hence dismissed with his reasonable costs in his behalf sustained."

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**MONEY COMING IN**

**Banks Have More Cash Than They Had Monday.**

**Situation Among Merchants Is Also Improving.**

**DO NOT USE CHECKS.**

**Have Been Able to Transact Business in Regular Way.**

**Provision Is Made to Meet the Pay Rolls.**

The financial condition in Topeka has improved since Monday morning when the clearing house decided to adopt the New York clearing house plan as a precautionary measure and protection for the merchants and bankers of the city as well as the patrons of the banks. There was more currency in the banks Tuesday than there was the preceding day and there is more today than there was yesterday and a general feeling of confidence prevails in every locality.

But few of the stores of the city have been compelled to resort to the expediency of issuing their checks in the transaction of business, and in most instances this was done as a precautionary measure so that they will be able to take care of the checks of their employees Saturday night.

At a clearing house meeting held this morning a resolution was adopted which will bring the currency which has been established by the merchants for this purpose into the banking institutions of the city. Each depositor will be permitted to withdraw the amount of currency deposited through the clearing house at any time he may so desire and in this way it is felt that the pay rolls about the city will be cared for with ease.

Before this plan was suggested many of the merchants withheld their currency when making daily deposits for fear that they would be cramped for cash with which to meet their obligations to those in their employ. The assurance of clearing house certificates has not been commenced and it is hardly likely that the public will ever see a specimen of this emergency money which the banks propose to issue in case the necessity arises.

A committee consisting of F. W. Freeman, E. Mulvane, E. Bonebrake and William Macfarren was appointed at the meeting of the clearing house members yesterday afternoon to have charge of the details, if it becomes necessary to issue clearing house certificates to the public. The bankers of the city are a unit in declaring their belief that an emergency will not arise necessitating this action.

The committee have not agreed upon the details of the issue if it should become a necessity and there are about as many ideas as there are members of the committee though all agree upon the one detail that the banks as a body will guarantee the issue.

"I am reminded somewhat of the conditions during war times," said J. R. Mulvane, "when we were compelled to issue shillings for use as fractional currency. The clearing house of the clearing house is much different as we will issue clearing house certificates if necessary and every bank will be bound to accept them. For instance if one of the banks should feel the need of currency a thousand dollars worth of securities would be deposited with the clearing house and certificates to about this amount, perhaps one hundred dollars less will be issued to the bank asking for the certificates."

"The clearing house will in this way be secured against loss and at the same time the certificates will become an obligation binding every bank in the city for their payment. It is all over now, in my judgment and in less than a week the restrictions placed on patrons of the bank as to the withdrawal of their deposits will be removed and the banks will be transacting business as usual."

The general tone about the city including patrons as well as merchants, is one of hope and confidence. There is no dissatisfaction as to the action of the bankers. Now and then some depositor with a few hundred dollars to deposit will demand their money owing to the fact that they do not understand the situation but these demands have been met with flat refusal when persuasion failed to convince them of the safety of the institution.

"We have more currency in our bank than we have had at any time since we opened for business," said C. W. Snyder of the Topeka State bank, "strange as it may seem and we have not made an attempt to get money out of the outside either. It is simply a matter of depositing our money in the bank and we are unusually heavy yesterday in currency and that but a small part of it was paid out."

There seems to be plenty of currency for the transaction of business," said W. W. Mills of the Mills Dry Goods company, "and so far we have not been compelled to issue a check in making change for our patrons. We reserve supply of cash is ample for all of our needs." The statements of Mr. Snyder and Mr. Mills express the opinion of the bankers and business men of the city without an exception.

All are confident that the situation has been met and that the action of the bankers of the city in taking the action which they did Monday morning is largely responsible for the feeling of absolute safety which prevails. The retailers of the city are generally fully though some of them have been slightly embarrassed on account of not being able to get cash with which to accommodate their desires. This is particularly true in the case of the hotel men who are called upon each day to cash drafts for traveling men.

**BOUND OVER FOR MURDER.**  
May Buckmaster's Bond Fixed at \$1,300 by Judge Simons.

**MIXED UP THE PLANS.**

**Harvard Sent a Britisher Instead of an American to Berlin.**

**Reports of Karatagh Disaster Believed to Be Overdrawn.**

**Number Killed Overestimated.**

**St. Petersburg, Oct. 29.**—A dispatch received by the Reuters telegraph company from St. Petersburg, confirms the report of the great land slide at Karatagh.

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St. Petersburg, Oct. 29.—It would appear from dispatches received here that the casualty list at Karatagh, first given at 15,000, has been greatly overestimated and that the statement that the governor of the city and his mother were among the persons saved was due to an error in translation. It is believed, however, that the dead must number many hundreds.

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**At prices beyond a doubt lower than can be found elsewhere. Always the right kind of merchandise at the right prices. A glance at the following items will convince you.**

**10c Drapery Cloth 7½c**  
Excellent patterns for making couch covers and comfort coverings—these are twilled materials and are 27 in. wide—Thursday, 7½c

**19c Ruffled Swiss 15c**  
Ready to hang at your windows and any length you wish—tucked and trimmed with Battenburg braid—worth 19c per yard Thursday, 15c

**75c Toques 59c**  
Extra heavy, double knit stocking caps—both plain and fancy colors—made of the very softest and best woolen yarn, worth 75c Thursday, 59c

**15c Knit Waists 10c**  
These are bleached snow white garments—the "M" brand—ages 2 to 14 years—15c values Thursday, 10c

**\$15 Women's Coat \$12.50**  
Made of heavy weight, all wool broadcloth; lined with guaranteed satin; trimmed with velvet and heavy braid; full 59 in. long and worth \$15.00—Thursday, \$12.50

**\$3.00 Child's Coat \$1.98**  
Made of a heavy Velvet cord and trimmed with crushed plush—lined with merzerized material—a good \$3.00 garment, ages 1 to 6 yrs. Thursday each, \$1.98

**10c Light Tennis 7½c**  
Dainty pink and light blue check and stripe patterns—a good weight for gowns. We have compared this cloth with the ones other stores sell at 10c per yard and find it as good—Thursday, 7½c

**12½c Towels 10c**  
A large size huck towel, fancy red border; hemmed ends; 13x36 inches. Worth 12½c Thursday, 10c

**35c Fascinators 25c**  
Knit Shawls—black and white and colors; large size—very special for Thursday—25c

**6th and Quincy**

**PAXTON & PAXTON**

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**MARKET IS BUOYANT.**

**Knickerbocker Is Declared Able to Pay Every Dollar.**

**New York, Oct. 30.**—The stock market became quite buoyant in tone late in the day. The buying was in small lots, but the demand was urgent. Buying became more active as the day progressed and resulted in establishing some striking increases in prices over yesterday's close, while the proportions of the rebound from the fairly low level of today were substantial.

The Knickerbocker Trust company, which closed its doors last Tuesday, is able to pay its depositors every dollar due, according to a committee of the secretary of the treasury, as a basis for investigating its condition.

The subtreasury today transferred \$200,000 in currency to San Francisco. At 1 o'clock call money was loaned at 15 per cent.

**To Increase Circulation.**  
Washington, Oct. 30.—The object of Comptroller Ridgely is to give quick relief not only in the large cities but also in the country districts, where there is difficulty in obtaining currency from their reserve agents. Many banks have less than the maximum amount of circulation outstanding and the secretary of the treasury is endeavoring to secure government bonds to deposit to secure government deposits. Mr. Ridgely is urging these banks to substitute other bonds acceptable to the secretary of the treasury and have the government bonds thus released for taking but increased circulation. There is a possibility of increasing the circulation from fifteen to twenty million dollars in this way, with circulating notes now on hand in the vaults of the comptroller's office.

There are over ninety millions of government bonds in the hands of the treasurer to secure government deposits and it would be possible to increase national banks' circulation by over \$100,000,000 before the limit of capital stock is reached.

The telegraph and telephone lines are being used to urge banks to take prompt action in this matter.

**Gold for Shipment.**  
London, Oct. 30.—Five hundred and eighty-three thousand pounds in American gold was taken from the Bank of England today for shipment to America. The price was about 78s. Another consignment of 800,000 pounds was insured for shipment.

A firmer tone prevailed in the afternoon until the receipt of the New York opening prices. The market renewed depression, and the market closed weak, fractionally above the worst quotations of the day.

**Let No More Contracts.**  
New York, Oct. 30.—Mayor McCall today directed the heads of all departments in the city government as follows:

"Until such time as in my judgment the safety of the city warrant it, you are herewith instructed not to advertise any contracts for work in your department."

**OYSTERS MUST BE OYSTERS.**  
That Is the Decree of the Kansas Pure Food Experts.

At an important meeting of the pure food experts of the state held Tuesday at the office of Chief Food Inspector S. J. Crumblin, it was decided to adopt all the government standards concerning food stuffs, except that the Kansas board will allow butter containing 80 per cent of butter fat to be sold, whereas the government requires 82½ per cent. This is where the

creameries of the state have gotten in their work with the board, for they tried hard to get the grade of butter to adopt the 80 per cent standard and failed. The creamerymen say that 80 per cent butter is good enough.

The board forbid the sale of oysters containing water or ice. Oysters must be the pure stuff.

Alum was barred from use in foods, and compound spices were defined to include spices made only of a mixture of various spices of the same sort, not of a mixture of spice and ground cocoa shells or other adulterant.

Those who attended the meeting were E. H. S. Bailey, J. T. Willard, L. E. Sayre and S. J. Crumblin, representing the state, and Rudolph Hirsch and W. S. Amos, chemists, representing the food and drug interests.

**ONE BANK ASSIGNS.**  
Comptroller of the Currency Ridgely Issues a Statement.

**New York, Oct. 30.**—The assignment of Kessler & Co., bankers of 54 Wall street, was announced today. The firm operates extensively abroad.

**Ridgely's Statement.**  
Washington, Oct. 30.—Comptroller Ridgely today issued an official statement which says:

"The comptroller's office will in every proper way facilitate the immediate increase of national bank note circulation. With this end in view all such national banks as have government bonds in the hands of the treasurer of the United States to secure deposits and also have any available capacity for increased circulation, will be allowed to substitute other bonds satisfactory to the secretary of the treasury, as a basis for government deposits provided the government bonds thus released are used to increase circulation."

"This rule will apply not only where the bank transferring the bonds from the deposit account to their circulation account take out the additional circulating notes, but also where an arrangement can be made for any other national bank having capacity for increased circulation to take out the additional notes."

"National banks are urged to take this question immediately with the department by telegraph and take out the additional circulation as rapidly as possible. The comptroller's office will be glad to furnish whatever information is needed in regard to circulation printed and on hand and bonds available for this purpose."

(Signed) WILLIAM B. RIDGELY, "Comptroller of Currency."

**GUILTY OF ABUSING A HORSE.**  
Clinton Pascho, Who Drove One to Rice County, Convicted.

After quite an extended trial in the court of Topeka today Judge Simon found Clinton Pascho, a young man, guilty of cruelty to an animal in overworking and torturing a horse.

Pascho and his wife hired a rig some time ago from T. P. Newell, the driver. They said that they were going to drive to Silver Lake. They were gone between three and four weeks and drove the horse as far as Rice county and back. The horse was in a frightful condition when it was taken back to the barn. A warrant was first sworn out against the pair charging them with horse stealing but before they could be taken into custody they had returned the rig so this charge necessarily fell through. Then the cruelty to animals charge was preferred against them.

On a motion of Capt. McNary, coun-

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